

105TH CONGRESS
2D SESSION

S. 1766

To amend the Communications Act of 1934 to permit Bell operating companies to provide interstate and intrastate telecommunications services within one year after the date of enactment of this Act.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 1998

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Communications Act of 1934 to permit Bell operating companies to provide interstate and intrastate telecommunications services within one year after the date of enactment of this Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Telecommunications
5 Competition Act of 1998”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) competition in telecommunications will en-
2 courage infrastructure development, have beneficial
3 effects on the price, universal availability, variety
4 and quality of telecommunications services, and im-
5 prove our economy, our culture, and our political
6 system;

7 (2) all telecommunications markets should be
8 open to competition and all providers of tele-
9 communications services should be able to provide
10 such services and be subject to equivalent regulation
11 when offering such services;

12 (3) all providers of telecommunications should
13 be subject to equivalent regulation;

14 (4) the elimination of the restraints on the lines
15 of business will result in the creation of a substan-
16 tial number of new jobs;

17 (5) if the removal of the restrictions on the
18 lines of business are delayed, the job creation result-
19 ing from the removal of these constraints will also
20 be delayed;

21 (6) advanced telecommunications services can
22 enhance the quality of life and promote economic de-
23 velopment, job creation, and international competi-
24 tiveness;

1 (7) advancements in the nation's telecommuni-
2 cations infrastructure will enhance the public welfare
3 by helping to speed the delivery of services such as
4 telemedicine, distance learning, remote medical serv-
5 ices, and distribution of health information;

6 (8) improvements in the telecommunications in-
7 frastructure will be greatly enhanced if all providers
8 of telecommunications services are permitted to offer
9 these services on the same basis and subject to
10 equivalent regulatory requirements;

11 (9) rural and sparsely populated areas will not
12 receive the benefits of advanced telecommunications
13 services unless all providers of telecommunications
14 services have eliminated the restrictions on the lines
15 of business in which they may engage;

16 (10) existing regulatory devices no longer work,
17 and the regulatory asymmetries that exist today are
18 inconsistent with competitive marketplaces; and

19 (11) oversight of the telecommunications indus-
20 try should be conducted from the perspective of the
21 Antitrust Laws by the Department of Justice and
22 from the regulatory perspective by the Commission
23 for interstate telecommunications services and the
24 States for intrastate telecommunications services.

1 **SEC. 3. ONE-YEAR MAXIMUM START DATE FOR BOC INTER-**
 2 **STATE AND INTRASTATE SERVICES.**

3 Part III of title II of the Communications Act of
 4 1934 (47 U.S.C. 271 et seq.) is amended by inserting be-
 5 fore section 271 the following:

6 **“SEC. 270. DATE CERTAIN FOR START OF BELL OPERATING**
 7 **COMPANY SERVICES.**

8 “(a) IN GENERAL.—Notwithstanding any provision
 9 of this Act to the contrary, on the date that is one year
 10 after the date of enactment of the Telecommunications
 11 Competition Act of 1998, a Bell operating company, and
 12 any affiliate of a Bell operating company, may provide
 13 interstate and intrastate telecommunications services.

14 “(b) STATE LAW SUPERSEDED.—No State or local
 15 law may prohibit or prevent a Bell operating company, or
 16 an affiliate of a Bell operating company, from providing
 17 interstate and intrastate telecommunications services after
 18 the date specified in subsection (a).

19 “(c) APPLICATION WITH OTHER PROVISIONS.—Any
 20 prerequisite established by any other provision of this Act
 21 that conditions the right to provide services regulated
 22 under this Act in any area upon the satisfaction by a Bell
 23 operating company of any requirement under this Act
 24 shall be, for all purposes of this Act, deemed to have been
 25 met on the date specified in subsection (a).”.